REMARKS

In the Office Action of March 29, 2004, the Examiner has provisionally rejected claims 1-20 under the judicially created doctrine of double patenting as being unpatentable over claims 1-17 of copending Application No. 09/943,785. Claims 1-20 are rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-3, 7-10 and 16-20 are rejected under 35 USC 102(e) as being anticipated by Daniel et al (US 2002/0022984). Claims 4-6 and 11-15 are rejected under 35 USC 103(a) as being unpatentable over Daniel et al in view of Yansheng Jiang (U.S. 6,564,375).

The Office Action of March 29, 2004, has been carefully considered and by this amendment, entry of which is respectfully requested, claims 1-20 remain in the application; claims 1, 9 and 16 have been amended. The amendments do not add new matter.

In the Office Action, the Examiner has stated that independent claims 1, 9 and 16 and dependent claims 2-8, 11-15 and 17-20 are unpatentable over pending claims 1-17 of copending patent application 09/943,785, under the judicially created doctrine of double patenting. The Examiner has stated that all of the claims of the subject application are fully disclosed in the referenced copending application.

As amended, the conflicting claims of the subject application are patentably distinct. Specifically, the subject application relates to developing, approving, revising, searching for and using web based software tools. While those web-based software tools may include product information of some sort, the disclosure and claims of the subject application do not relate to product design,

particularly applicable to a system and method for allowing access to product upgrades, enhancements and developments, as is disclosed and claimed in the copending application. In copending Application No. 09/943,785, a database is configured with dynamically changing product data to assist in the access to product information. Access to such information is particularly useful in the design stages of product development.

As now disclosed and claimed in all of the claims of the subject application, the main thrust of the subject application is to allow users to categorize wizards or knowledge-based tools developed in a vast variety of authoring environments, with links to actual wizards, tools and results of wizards or tools that are relevant to specific problems. The subject application further discloses and claims such a tool that maintains the knowledge base associated with the software wizards or tools by providing a customized configuration control workflow for the revision process. This is patentably distinct from the copending application which relates to *product design assistance* by updating *product* information, such as compressor airfoil information for persistent airfoils of a gas turbine engine.

In copending Application No. 09/943,785, there are no claims and there is no disclosure or teaching relating to developing, approving, revising, searching for and using web based software tools.

Turning now to the rejection of claims 1-20 under 35 USC 112, second paragraph, it is respectfully submitted that the claims, as now amended, comply with 35 USC 112. Specifically, claims 31, 9 and 16 have been amended to more particularly point out and distinctly claim the subject matter of the invention. A claim, in order to pass muster

under 35 USC §112, second paragraph, need only be clear to one skilled in the art, when read in light of the specification, so as to permit one skilled in the art to define the metes and bounds of the invention. In re Goffe, 188 USPQ 131, 135 (CCPA 1975). With the amendments represented herein, it is respectfully submitted that one skilled in the art could define the metes and bounds of the invention.

Applicant respectfully traverses the rejection of claims 1-20 under 35 USC §102(e) or 35 USC §103(a), for the reason that the cited art does not teach, anticipate, or render obvious the invention of Applicant, as now claimed.

The test for determining if a cited document anticipates a claim, for purposes of a rejection under 35 USC §102, is whether the cited document discloses all of the elements of the claimed combination, or the mechanical equivalents, functioning in substantially the same way to produce substantially the same results. As noted by the Court of Appeals of the Federal Circuit in Lindemann Maschinenfabrick GmbH v. American Hoist and Derrick, 221 USPQ 481, 485 (1984), in evaluating the sufficiency of an anticipation rejection under 35 USC §102:

> "Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim."

Furthermore, it is noted in MPEP Section 706 that the standard of patentability to be followed in the examination of a patent application is that which was enunciated by the Supreme Court in Graham v. John Deere, 148 USPQ 459 (1966), where the Court stated:

> "Under Section 103, the scope and the content of the prior art are to be

> determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved."

In considering the Daniel application cited by the Examiner, it is respectfully submitted that this document does not anticipate the subject invention. The Daniel publication claims a computerized method for guiding service personnel with equipment requiring service, to determine a preferred service site. The Daniel publication does not in any way disclose categorization of wizards or knowledge-based tools. The cited reference does not teach or suggest knowledge and tools for solving business problems being accessible through a single distribution point. Daniel proposes how to direct a user to a service site, but does not *solve for* the service problem. It is respectfully submitted, therefore, that independent claims 1, 9 and 16 of the subject application are not anticipated by the cited patent.

Even if one were to combine the service personnel guidance method of Daniel with the Jiang patent, one would still not be led to the subject invention. Jiang proposes *altering* a wizard-based application, but does not teach, disclose or suggest *categorization* of wizards, as does the subject invention.

In light of the amendments and remarks herein, it is respectfully suggested that none of the claims of the subject application are anticipated or obviated by the cited documents, taken singularly or in combination, since the cited documents fail to disclose the elements of the claimed invention, arranged as in the claim, with the purpose defined in the subject application.

Claims 2-8, 10-15 and 17-20 depend from

independent claims 1, 9 and 16 to contain all of the limitations found therein. By this dependency, it is submitted that these claims are not anticipated, taught, or rendered obvious by the cited document. Additionally, these claims add further limitations which distinguish them patentably from the cited documents. Accordingly, withdrawal of the rejection of all of the claims of the application is respectfully requested.

Applicants' attorney has reviewed the additional art cited by but not relied upon by the Examiner. Those documents do not teach, anticipate, or render obvious, when taken singularly or in combination, the invention of applicants disclosed in the subject application.

In view of the foregoing remarks, the undersigned attorney respectfully submits that all of the claims of the application are clearly allowable. Therefore, Applicant's attorney respectfully requests that the Examiner's objections and rejections be withdrawn and that a formal Notice of Allowance be issued thereon.

Respectfully submitted,

By Barbara Joan Haushalter
Barbara Joan Haushalter
Registration No. 33,598

228 Bent Pines Court
Bellefontaine, Ohio 43311
(937) 592-8603
Facsimile: (937) 592-8604
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